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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

KEON LAMONT JEFFERSON,

Defendant and Appellant.

H047424

(Santa Clara County

Super. Ct. No. C1905390)

In 2019, defendant Keon Lamont Jefferson pleaded no contest to second degree burglary in exchange for a 32-month state prison sentence and the dismissal of another charge. The trial court sentenced defendant in accordance with his plea agreement and denied his post-sentencing petition for resentencing and redesignation of his conviction as a misdemeanor under Proposition 47. (Pen. Code, § 1170.18.)¹ On appeal, defendant’s counsel filed an opening brief in which no issues are raised and asked this court to independently review the record under *People v. Wende* (1979) 25 Cal.3d 436. We sent a letter to defendant notifying him of his right to submit a written argument on his own behalf on appeal. He has not done so.

Finding no arguable appellate issue, we affirm. We will provide “a brief description of the facts and procedural history of the case, the crime[] of which the defendant was convicted, and the punishment imposed,” as required by *People v. Kelly*

¹ All further statutory references are to the Penal Code unless otherwise indicated.

(2006) 40 Cal.4th 106, 110. We will further include information about aspects of the trial court proceedings that might become relevant in future proceedings. (*Id.* at p. 124.)

I. BACKGROUND

A. *Factual Summary*²

On March 18, 2019, defendant left a San Jose Walmart with a stereo. In accordance with the store's standard practice for all customers, a security guard at the front exit asked defendant for his receipt to confirm that he paid for the stereo. Defendant briefly held up a receipt and then exited quickly before the guard could verify that defendant had purchased the merchandise. The interaction led the guard to believe that defendant had shown him an old receipt so he alerted a second guard, who was outside the store, to defendant. The second guard asked to see defendant's receipt. Defendant refused, continued walking quickly away, and eventually boarded a bus with the stereo.

B. *Procedural History*

The Santa Clara County District Attorney charged defendant with second degree robbery (§ 212.5, subd. (c)). The information alleged that defendant had two prior strike convictions within the meaning of the Three Strikes law (§§ 667, subd. (b)-(i), 1170.12), two prior serious felony convictions (§ 667, subd. (a)), and three prior prison terms within the meaning of section 667.5, subdivision (b).

At a hearing on July 22, 2019, the information was amended to add a second count—second degree burglary in violation of section 460, subdivision (b). At the same hearing, defendant pleaded no contest to the newly added count 2 and admitted that he had two prior strike convictions in exchange for a 32-month prison sentence and the dismissal of the second degree robbery charge and the other allegations.

² The facts are taken from the transcript of the May 14, 2019 preliminary hearing.

The trial court held a sentencing hearing on September 9, 2019. As called for by the plea agreement, the court sentenced defendant to 32 months in prison—the low term of 16 months doubled under the Three Strikes law. The court awarded defendant a total of 352 days of presentence credits, consisting of 176 days of actual custody and 176 days of conduct credits.

The court imposed a \$300 restitution fine (§ 1202.4, subd. (b)(2)) with an additional \$300 parole revocation fine, which was suspended pending successful completion of parole (§ 1202.45), and a \$10 local crime prevention fee (§ 1202.5, subd. (a)) plus penalty assessments. The court stayed execution of the restitution fine and the local crime prevention fee and waived all remaining fees pursuant to *People v. Dueñas* (2019) 30 Cal.App.5th 1157.

After sentence was imposed, defendant orally petitioned the court for resentencing and redesignation of his conviction as a misdemeanor under section 1170.18. The court denied that petition.

Defendant timely appealed. His notice of appeal indicates that he is appealing only from the denial of his section 1170.18 petition.

II. DISCUSSION

Having examined the entire record, we conclude that there are no arguable issues on appeal.

III. DISPOSITION

The judgment affirmed.

ELIA, J.

WE CONCUR:

PREMO, Acting P.J.

BAMATTRE-MANOUKIAN, J.